

REMARKS

Claim 8 has been amended as suggested by the examiner. A marked-up version of claim 8 showing the changes made is set forth on page 5.

U.S. Patent No. 6,288,148 B1 (Samukawa et al.) is applied in the rejection of claims 1-17. It is, however, unclear whether the basis of the rejection is under 35 U.S.C § 102 or under 35 U.S.C § 103. While it is stated within the Office action that the rejection is under 35 U.S.C § 102 (e), this is believed to be an error and the rejection is under Section 103. In this regard, the heading of the refers to Section 103, the statutory basis of Section 102 is not set forth, and the examiner acknowledges that "Samukawa et al. *do not appear to specifically disclose* wherein at least one tackifier having a softening point of less than about 40°C is a rosin ester tackifier, and wherein at least one tackifier having a softening point of greater than about 70°C is a terpene phenolic tackifier." (page 2 of Office action). Clarification of requested.

Applicants submit that Samukawa fails to either disclose or suggest a pressure sensitive adhesive that comprises an acrylic copolymer and at least two tackifiers wherein the tackifiers are substantially different and wherein at least one tackifier has a softening point of less than about 40°C and one other tackifier has a softening point of greater than about 60°C, as required and claimed by applicants. The adhesive composition claimed by applicants comprises an acrylic copolymer and a mixture of at least two substantially different tackifiers. As defined by applicants, "substantially different" tackifiers means that the adhesive mixture contains at least two tackifiers that differ in chemical nature as well as softening point (see page 2, lines 26-27). The specific mixture of tackifiers used is critical to the practice of the invention. The tackifying mixture will contain at

least two tackifiers that differ in chemical nature and in softening point, more specifically at least one tackifier must have a softening point of greater than about 60°C and at least another tackifier must have a softening point of less than about 40°C. Samukawa fails to provide any teaching or disclosure that would motivate one of ordinary skill in the art to use the tackifier combination disclosure for use and required in the practice of applicants' invention.. As the adhesive is not described or suggested, tapes and labels comprising the adhesive also represent a patentable contribution to the art.

Favorable reconsideration and withdrawal of the rejection over claims 1-17 over Samukawa is requested.

Claims 1-15 are rejected under 35 U.S.C § 103 as being unpatentable over Hartmann et al. (U.S. Patent No. 4,087,392). Applicants respectfully disagree.

While Hartman discloses pressure sensitive adhesive formulations containing tackifiers, which may advantageously be mixtures of resins of different softening points, Hartman teaches that useful tackifiers will have softening points of from 40 to 140°C (col. 2, lines 28-30). Suggested are mixtures of resins having softening points of about 70°C and resins having softening points of about 120°C (col. 4, lines 51-54). No adhesives containing mixed tackifiers are exemplified (see Examples 1-5). Hartman does not suggest adhesives comprising an acrylic copolymer and at least two tackifiers that differ in chemical nature and in softening point, more specifically a tackifier having a softening point of greater than about 60°C and a tackifier having a softening point of less than about 40°C. In fact, Hartmann teaches away from applicants' invention.

Reconsideration and withdraw of the Section 103 rejection of claims 1-15 over Hartmann

is requested.

Claims 16 and 17 are rejected under 35 U.S.C § 103 as being unpatentable over Samukawa et al. (U.S. Patent No. 6,288,148 B1) in view of Hartmann et al. (U.S. Patent No. 4,087,392).

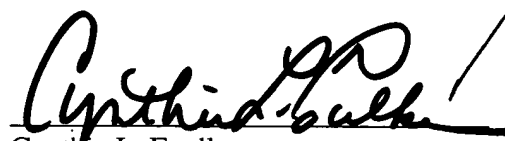
Applicants respectfully disagree.

Neither the Samukawa patent nor the Hartmann patent, either alone or in combination suggest an adhesive that comprises an acrylic copolymer and at least two tackifiers that differ in chemical nature and in softening point, more specifically at least one tackifier must have a softening point of greater than about 60°C and at least another tackifier must have a softening point of less than about 40°C. As such, the combined disclosures of Samukawa and Hartmann fail to suggest tapes comprising such adhesives.

Reconsideration and withdrawal of the rejection of claims 16 and 17 as being unpatentable over Samukawa in view of Hartmann is requested.

Favorable reconsideration and early notification of the allowance of claims 1-17 is solicited.

Respectfully submitted,



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Version of amended claim showing changes made

Claim 8 (amended). The adhesive of claim 7 wherein the [polymer] copolymer further comprises at least one hydroxy functional monomer and/or at least one carboxy functional monomer.